



8/25/04

TO: CITY OF SUNNYVALE
PLANNING COMMISSIONERS

RE: APPEAL OF ADMINISTRATIVE DECISION
REGARDING REQUEST FOR VARIANCE
924 MOCKINGBIRD LANE
APN: 198-42-003

REASON FOR APPEAL

On August 11, 2004, our request for a variance from Sunnyvale Municipal Code section 19.34.030 (to allow a combined side-yard setback of nine feet and ten inches where twelve feet is required) was denied by the Administrative Hearing Officer. At the hearing, the Administrative Hearing Officer agreed with the staff report that while our justifications for the variance met the requirements in Findings #2 and #3, the requirements in Finding #1 were not met and therefore the variance was denied. We strongly disagree with both the staff report and the Administrative Hearing Officer's conclusion that Finding #1 could not be made and therefore wish to appeal the decision to the Planning Commission.

Finding #1 states "Because of exceptional or extraordinary circumstances or conditions applicable to the property, or use, including size, shape, topography, location or surroundings, the strict application of the ordinance is found to deprive the property owner of privileges enjoyed by other properties in the vicinity and within the same zoning district." In the staff report dated August 11, 2004, staff concluded that this finding could not be made for three reasons which are listed below. Following each staff comment we have added our feelings and reasons for our disagreement.

- 1) The lot size is above the minimum standard size – We feel that the staff's point that the lot size is above the minimum standard is not relevant because the issue (and the reason for the request for variance) stems from the exceptional lot shape and the orientation of the existing house to that shape. The lot size is not relevant as we are not requesting a variance for F.A.R. or Lot Coverage, which are more directly related to lot size.

Given a standard, rectangular R-o lot, with the house oriented parallel to the side property lines, an addition to the house that extended the existing side wall forward would not further encroach upon the setback and most likely not be required to obtain a variance. *Attached are photos* of 7 houses within a 2-3 block radius that clearly show an addition to the front that extends the side wall continuously forward. As there are so many homes within a very close proximity to ours that were allowed to do a front addition without the constraints of an angled side property line, we feel that we have "exceptional or extraordinary circumstances or conditions applicable to the property".

- 2) The lot width is only one foot less than the standard for R-o lots - We feel that this point is also irrelevant because the issue is not of lot size but of lot shape. Even if the lot width were one foot wider, we would still have to request a variance because of the lot shape.
- 3) The jog in the house that would result from maintaining the required setback would not appear to result in a significantly noticeable architectural feature and would still permit the addition - This is the staff's conclusion that we most strongly and passionately disagree with. We feel that the resulting jog in the house would both be significantly noticeable and be detrimental to the overall architecture of the home.

The corner of the house where the jog would occur is in a very visible location. Because our property is located near the end of a dead-end street, the house is always approached from Knickerbocker Avenue. *Attached are photos* showing the approach to the house from Knickerbocker Avenue. These photos show that the corner in question is the most visible corner of the house. An off-set in the wall at this location would be significantly noticeable.

As a licensed architect and design professional, I strongly object to the impact that the jog in the side wall would have on the appearance of the addition and on the overall appearance of the home. The addition was designed to appear as if it has always been a part of the house, in contrast to an addition that was obviously "stuck on" the front of the house. We deliberately chose a roof shape, ceiling height, and exterior finish materials that would visually integrate the addition into the house. A jog in the side wall will without question cause the addition to appear "stuck on". In our particular case, we feel that strict adherence to the ordinance will result in undesirable architecture and lessen the overall appeal of our home.

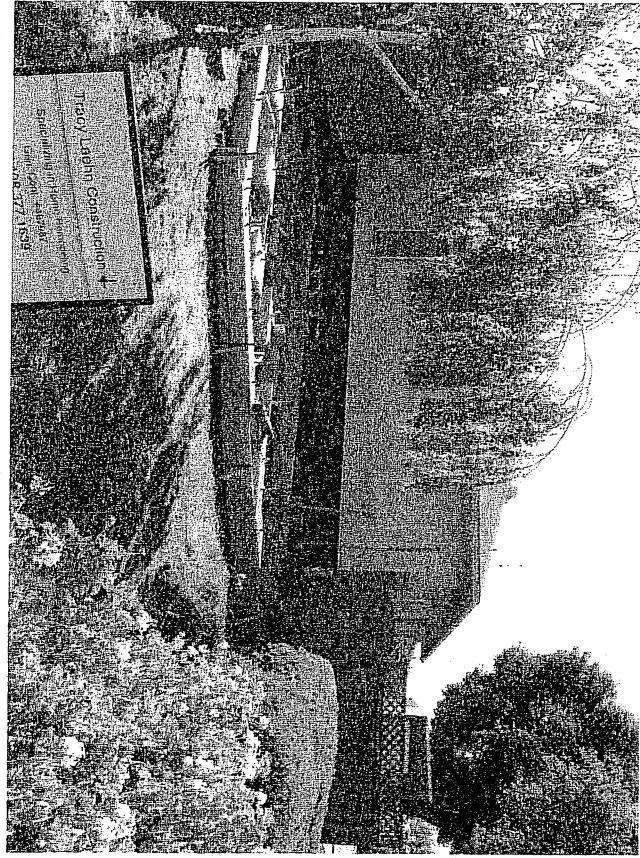
In conclusion, we feel justified in requesting this variance. We have explored many different design options that would avoid the need for a variance, but none resulted in a satisfactory design and none met our needs as well as the current proposed scheme. We do not feel that we are asking for anything "above and beyond" what the Zoning Ordinance is allowing other property owners in our immediate vicinity or within our same zoning district, as is evidenced by the many front yard additions in our neighborhood. We have also taken special care to contact our neighbors and to understand their concerns, if any. *Attached is a signed letter* from all 6 neighbors on our portion of the street showing their support for the variance as requested.

We hope that the Planning Commission will see the particular difficulties caused by the shape of our property, and that the proposed design, with the variance granted, will result in the best possible appearance of the house and be an enhancement to the street and to the neighborhood as a whole.

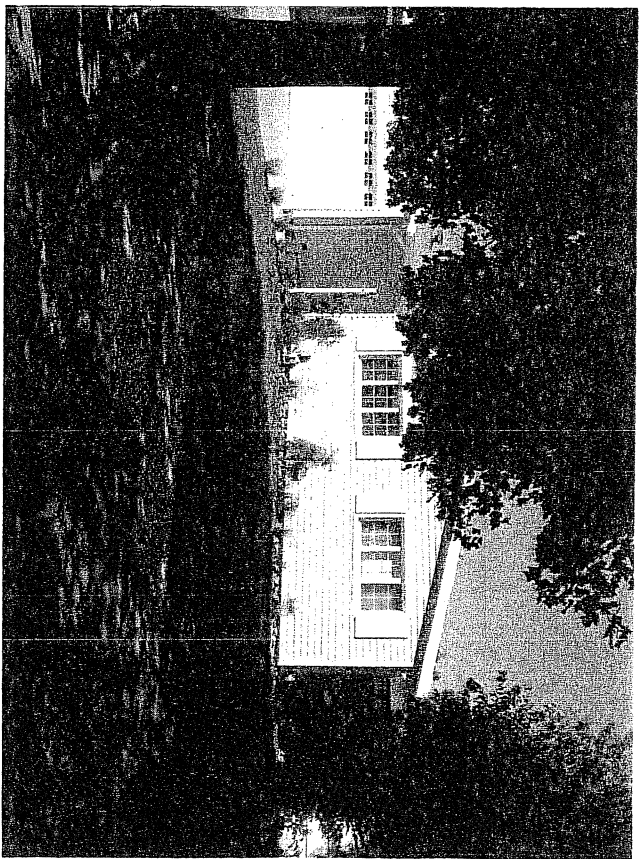
Thank you for considering our appeal.

Sincerely,

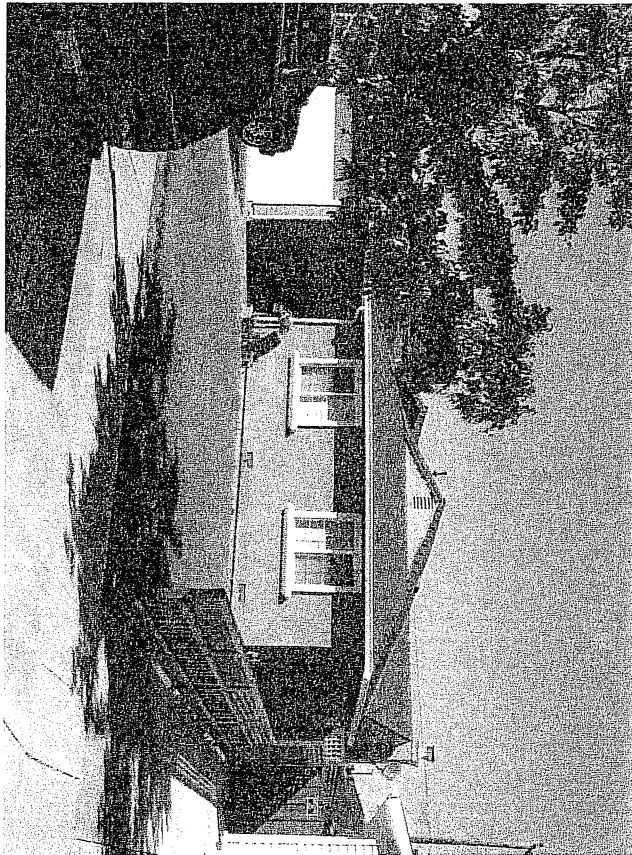
Richard and Lisa Harmon



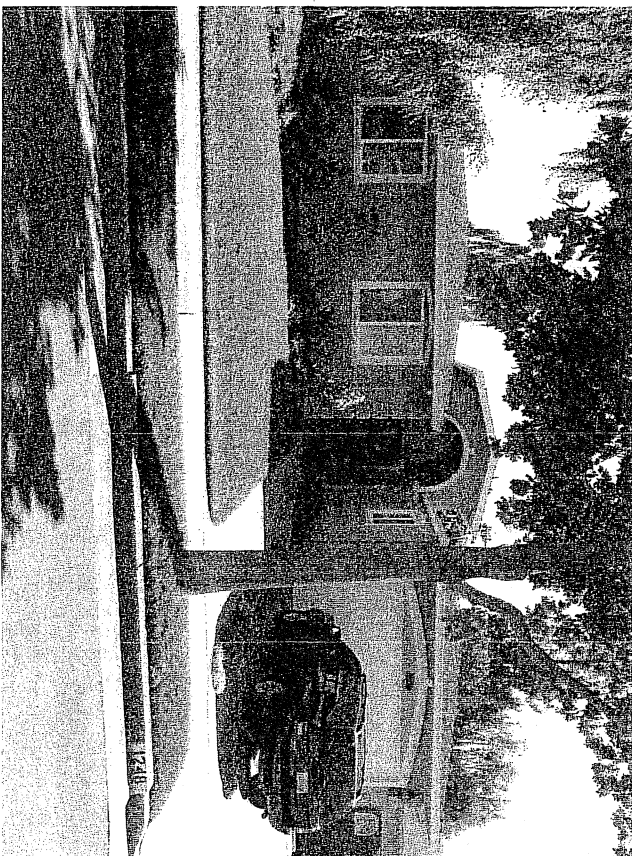
Addition at 927 Robin Way
Addition is actually beyond existing side wall



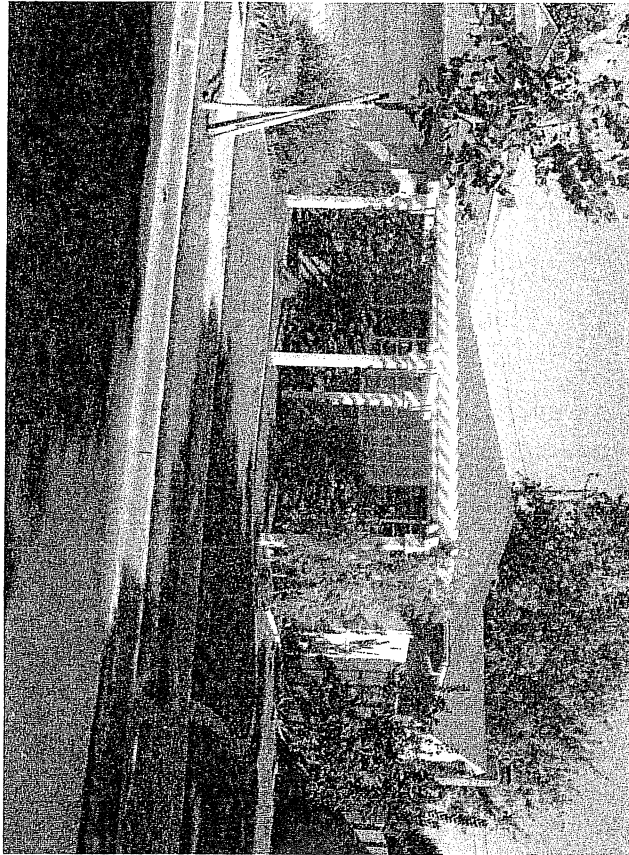
Addition at 1295 Morningside Drive
Addition is flush with existing side wall



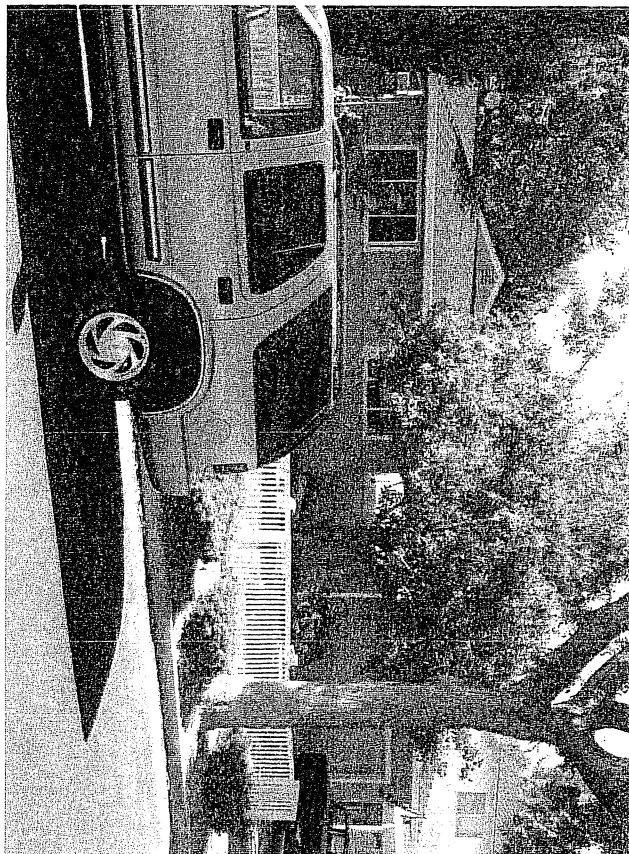
Addition at 1299 Morningside Drive
Addition is flush with existing side wall



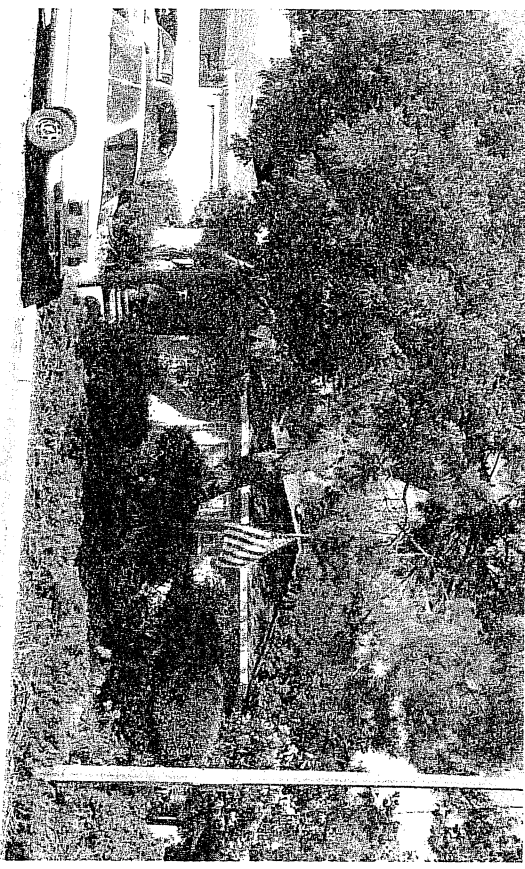
Addition at 1248 Morningside Drive
Addition is flush with existing side wall



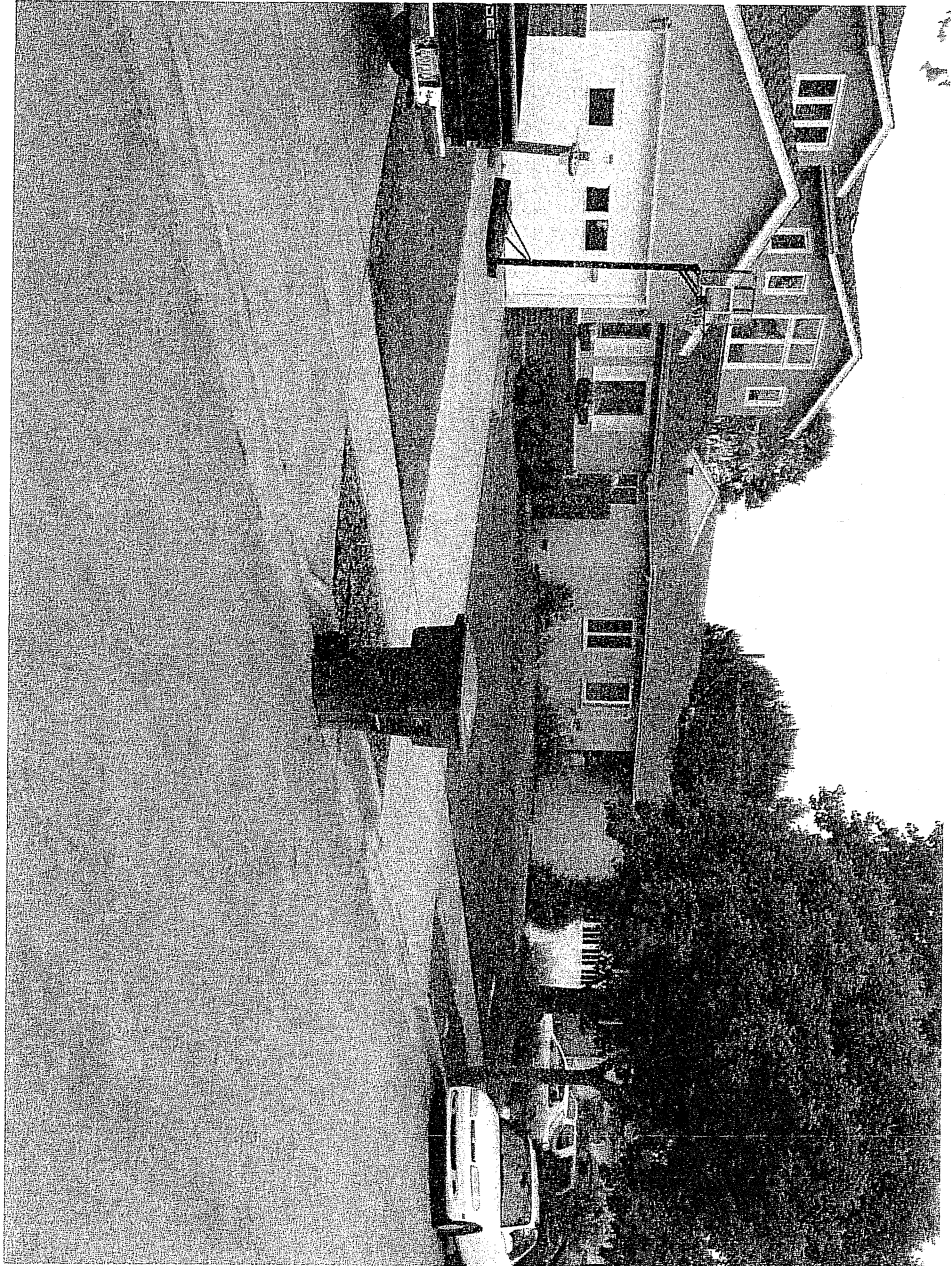
Addition at 910 Mockingbird Lane
Addition is flush with existing side wall



Addition at 909 Mockingbird Lane
Addition is flush with existing side wall

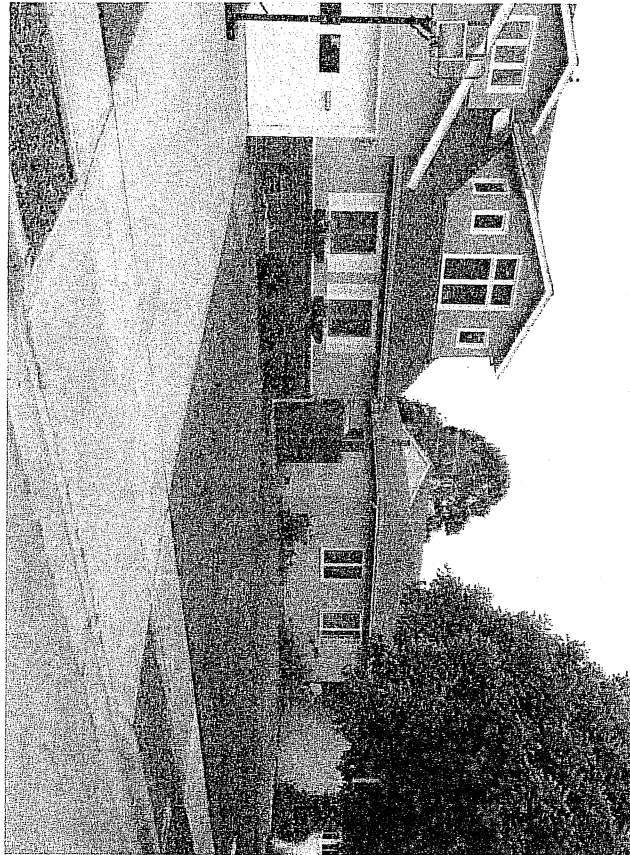


Addition at 1273 Knickerbocker Drive
Addition is flush with existing side wall

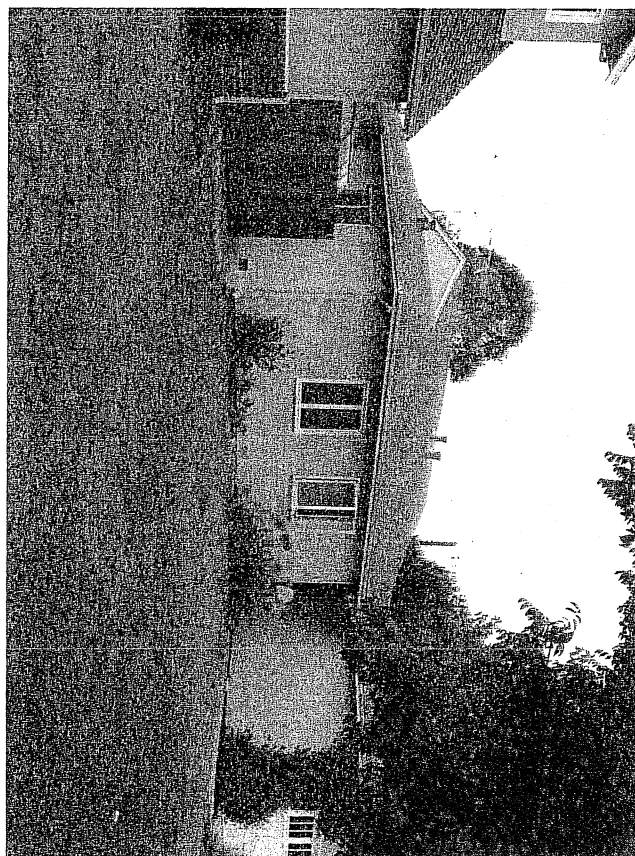


924 Mockingbird Lane

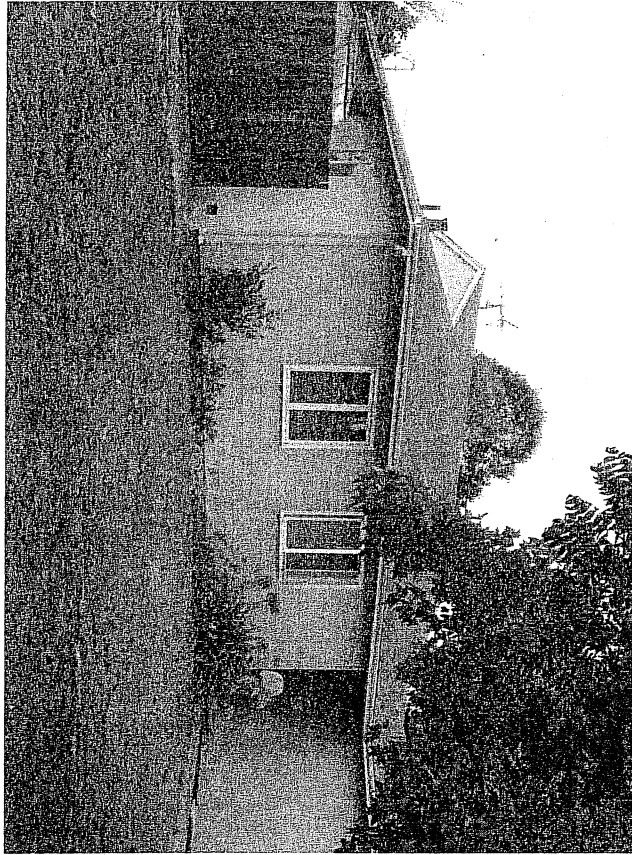
Approach to House from Knickerbocker Avenue



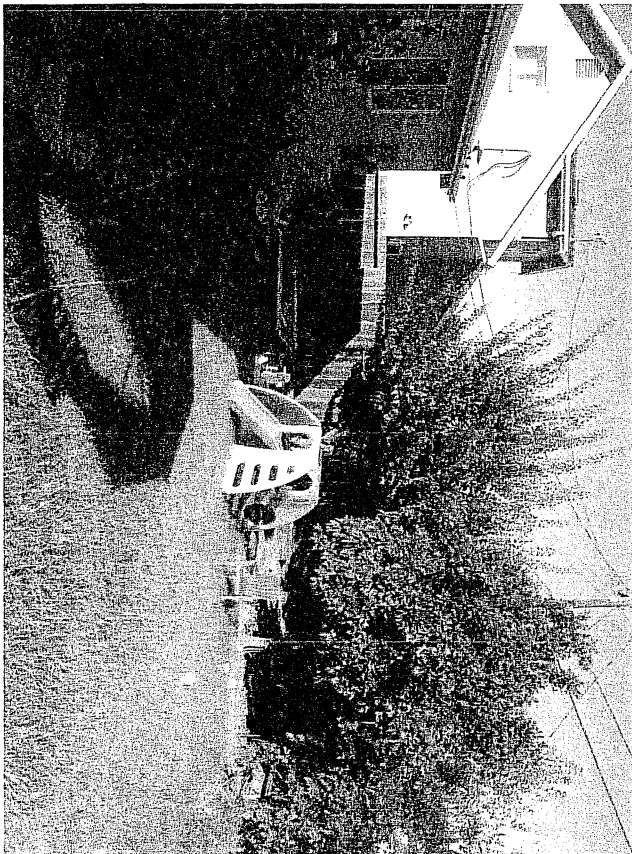
Continuing Approach to House



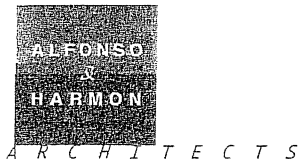
Continuing Approach to House



View of Front showing visible corner



View of Rear Yard



TO: CITY OF SUNNYVALE
DEPARTMENT OF COMMUNITY DEVELOPMENT

FROM: RESIDENTS OF MOCKINGBIRD LANE
SUNNYVALE, CA

RE: APPLICATION FOR VARIANCE FOR
924 MOCKINGBIRD LANE, SUNNYVALE, CA

We, the undersigned, have reviewed the plans for the proposed addition at 924 Mockingbird Lane, Sunnyvale, CA, and support the proposed addition as designed and are in support of the variance as requested.

Jennifer Aeten
Name
920 Mockingbird LN
Address
[Signature]
Signature

Susan Van Den Broek
Name
917 Mockingbird Ln.
Address
[Signature]
Signature

JOHN MILLER
Name
428 MOCKINGBIRD LN
Address
[Signature]
Signature

Ron Brunner
Name
918 Mockingbird Ln.
Address
[Signature]
Signature

Richard Bryant
Name
936 Mockingbird Ln
Address
[Signature]
Signature

Larry Crane
Name
915 Mockingbird Ln
Address
[Signature]
Signature